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BY-LAWS

OF THE BOARD

OF THE

HAMILTON PUBLIC LIBRARY

As Amended June 28, 1984

Original By-Laws Adopted February 25, 1889

Revised

1897, *1913(?), *193-(?), 1951, 1955, 1975, 1977, 1979, 1982

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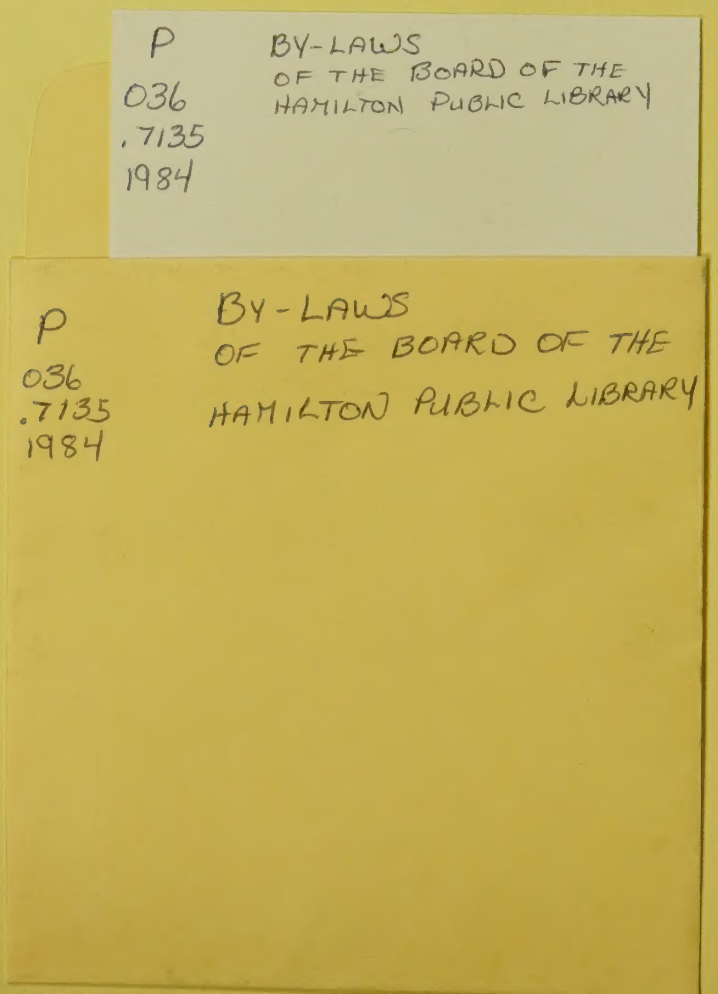
*1913 Dr. Waldon, Chief Librarian, has dated this revision "1913?" It was a major revision.

*193- By-Laws of the Hamilton Public Library Board - Typescript -Notation in Dr. Waldon's writing: "Adopted 193-?"



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BY-LAWS OF THE HAMILTON PUBLIC LIBRARY BOARD

PREAMBLE

The Hamilton Public Library *Board, duly constituted under the Public Libraries Act of Ontario, hereby repeals all former By-Laws and enacts the following By-Laws for regulation of the business of the Board.

ARTICLE I

The Board shall have a corporate seal, an impression of which is stamped on the margin hereof. This seal shall be affixed under the direction of the Board to all deeds, contracts, or documents requiring the same, which seal shall always be attested to by the signatures of the Chairman and the Secretary of the Board, or by such other member and/or other officer as the Board shall direct.

*The Board is composed of the Mayor, three members appointed by the City Council, three members appointed by the Board of Education, and two members appointed by the Separate School Board.

ARTICLE II

1. The Regular Meeting of the Board shall be held, except in July and August, on the third Monday of each month at 5:30 P.M., or at any other suitable time the Chairman may determine.

2. Written notice of a regular meeting, along with the proposed agenda, the minutes of the preceding regular meeting, minutes of Standing Committee meetings where possible, and the Chief Librarian's Report shall be sent by the Secretary to all members of the Board at least three days in advance of the meeting.

ARTICLE III

1. The Board shall hold its annual inaugural meeting immediately following its regular meeting in December.

2. The outgoing Chairman shall conclude the business of the regular December meeting and invite the Chairman of the Nominating Committee to present the proposed slate of officers for the new year.

3. After other nominations have been invited from the floor and nominations have been closed, the officers shall be elected by secret ballot or acclaimed.

4. The newly elected Chairman shall then take the Chair, call the Inaugural meeting to order and invite new business.

ARTICLE IV

A Special Meeting of the Board may be convened by the Chairman or any two members giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called. No other business shall be transacted on this occasion.

ARTICLE V

A Quorum at any meeting of the Board shall consist of five members.

ARTICLE VI

Open Meetings: All regular meetings and standing committee meetings of the Public Library Board shall be open to the public, subject to the provisions of Article VII of the By-Laws, and no person shall be excluded therefrom except for improper conduct.

ARTICLE VII

1. Access to Information

1.1 Board Members:

Members of the Board shall have complete access to all information and documentation relating to the Library system; all documentation prepared by the staff or its consultants for submission to the Board or its committees shall forthwith be made available to all members of the Board.

1.2. Others:

1.2.1 Confidential Matters:

a) All documentation prepared in relation to confidential matters be marked "confidential" and shall forthwith be made available to all members of the Board but it shall not be made available to members of the Library staff or the public except as the Board shall specifically direct.

b) The following matters shall be confidential:

i) matters related to litigation;

ii) matters related to personnel;

iii) matters related to collective bargaining;

iv) matters related to grievance proceedings;

v) matters related to security;

vi) matters prohibited from being made public by legislation;

vii) matters related to negotiations; (specifically, for example, without limitation of generality) negotiations related to the leasing or purchasing of property;

viii) any other matter which is determined by the Board to warrant being considered confidential.

1.2.2 Other Matters:

a) All documentation that is not confidential and that is prepared by staff or their consultants for submission to the Board or its committees, shall, as soon as it has been distributed to members of the Board, be made available for inspection to any member of the public upon request unless otherwise directed by the Board.

b) Following consideration by the Board, such documentation shall be made available for inspection by the public at "Prime Resort" at the Central Library; certified copies thereof shall be provided to any member of the public upon request at reproduction cost.

2. Access to Meetings

2.1 All regular meetings of the Board and all regular meetings of its Standing Committees shall be open to the public unless otherwise directed by the Board.

2.2 The Board or its Committees may determine, by a majority vote of members present at a duly constituted meeting of the Board or of one of its Committees, that all or any part of such meeting be held in camera. In making such determination, reference may be made to the considerations relating to confidentiality set forth in section 1.2.1 (b), of this By-Law.

2.3. All decisions of the Board and all recommendations of its committees shall be made known to any member of the public upon request except those matters discussed in camera under the previous paragraph which shall not be disclosed unless otherwise directed by the Board or the committee which discussed the matter.

2.4. Any person or group of persons who wish to make representations to the Board or one of its Committees shall be permitted to do so upon submitting a request in writing to the Chairman of the Board

or of the appropriate committee to that effect no later than four full days prior to the meeting at which it is proposed such representations be made. The Chairman of such meeting shall determine the time to be permitted for such representations and the terms upon which such representations shall be heard.

ARTICLE VIII

1. The Order of Business at all Regular Meetings of the Board shall be as follows:

   a) Minutes of the previous meeting;

   b) Business arising from the minutes;

   c) Correspondence;

   d) i) Reports of Standing Committees;

      ii) Report of the Chief Librarian;

      iii) Other Reports;

   e) New Business;

   f) Adjournment.

2. Bourinot's Rules of Order (revised 1977) shall govern the conduct of the business of all Regular and Special meetings of the Board when not inconsistent with nor in contravention of these By-Laws or the Public Libraries Act.

ARTICLE IX

A Nominating Committee, composed of four members, one of whom shall be the Chairman of the Board, shall be appointed by the Board annually at its October meeting to present a slate of officers for the ensuing year at the December meeting.

ARTICLE X

1. There shall be four standing committees of the Board, the first two consisting of four members, the Chairman of the Committee and three other members.

    1.1 Administration & Finance

    1.2 Planning, Personnel & Public Relations

    1.3 Executive Committee

    1.4 Rules & Regulations

2. The first two Standing Committees shall meet at the call of the Chairman (September to June), and preferably seven days in advance of the Regular Meeting of the Board; a quorum shall consist of three members.

3. The Executive Committee, consisting of four members; the Chairman of the Board and three Board Members, shall meet at the call of the Board Chairman; a quorum shall consist of four members.

4. The Rules & Regulations Committee, consisting of three Members of the Board, shall meet at the call of the Chairman at least once a year.

5. The Board may, from time to time, strike Special Committees as required.

ARTICLE XI

1. The Administration & Finance Committee shall have charge, subject to the approval of the Board, of all matters pertaining to the organization, maintenance, and administration of the City of Hamilton's Public Library system.

2. A report on the state of the budget (receipts, expenditures, outstanding items, etc.) shall be made by the Administration & Finance Committee to the Library Board three times a year, at the end of February, May and September.

ARTICLE XII

1. The Planning, Personnel & Public Relations Committee shall have a major responsibility, subject to the approval of the Board, for the selection of Library sites, for the study of programming needs and space requirements, for liaison with architects and library consultants, for arranging visits or tours of inspection to leading library centres, both in Canada and elsewhere,

with a view to providing the people of Hamilton and vicinity with a public library service and facilities of the highest quality.

2. The Planning, Personnel & Public Relations Committee shall have charge, subject to approval of the Board, of the appointment and salaries of the Library staff, and of the adjustment of all matters affecting the supervision and functioning of the staff.

3. The Planning, Personnel & Public Relations Committee, subject to the approval of the Board, shall advertise for, conduct interviews with, and recommend to the Board the employment or discharge of senior personnel for the positions of Chief Librarian, Manager of Personnel & Labour Relations and Administrator of Finance & Properties.

4. The Planning, Personnel & Public Relations Committee shall be responsible for Public Relations Policy, subject to the approval of the Board.

ARTICLE XIII

The Executive Committee. The Board will appoint from among its members an Executive Committee to be composed of the Chairman of the Board and three Board Members which committee may execute all the powers of the Board during the months of July and August of each year, subject to any restriction(s) imposed from time to time by the Board. The Chairman of the Board shall appoint

alternate Members in the event that any Committee Member(s) is unable to attend a Committee meeting; no business shall be transacted by the Executive Committee except at a meeting of its members at which a quorum of the Committee is present. The Committee shall meet at the call of the Board Chairman; a quorum shall consist of the four members.

ARTICLE XIV

The Rules & Regulations Committee, consisting of three Members of the Board, shall meet at the call of the Chairman at least once a year to maintain and update the Rules and Regulations of the Board and to consider items referred to it by the Board relating to Board procedures.

ARTICLE XV

1. The Chairman of the Hamilton Public Library Board shall be elected at the inaugural meeting each year. The Chairman shall preside, when present, at all meetings of the Board, but in his/her absence a Chairman shall be chosen pro tempore.
2. The Chairman shall have the same right to vote as other Board members. Any motion upon which there is an equality of votes shall be deemed to be negatived.
3. The Chairman or his/her deputy, shall sign deeds, contracts, or other legal documents relating to the library as directed by the Board.

4. All orders and proceedings or minutes, after confirmation by the Board, shall be duly recorded in books designated for the purpose, and shall be signed by the Chairman, or such other person as the Board may direct.

5. The Chairman of the Board shall be ex-officio a member of all Committees.

ARTICLE XVI

Payment of Accounts shall be governed by the following procedures:

a) (i) The Chairman of the Hamilton Public Library Board, or in his/her absence, any member of the Board or a named officer of the Board, shall sign and thereby authorize the payment of all invoices, accounts, advances or petty cash vouchers of the Board prior to submission for payment to the Treasury Department of the City of Hamilton.

(ii) See also Rules & Regulations, Hamilton Public Library Board, for Payment of Accounts, which are attached to the By-Laws as a separate schedule and which are subject to changes and modifications as may be determined from time to time by the Board.

b) All cheques issued on behalf of the Hamilton Public Library Board shall be signed by the Mayor and the Treasurer and Commissioner of Finance by the use of a mechanical cheque-signing machine as outlined in By-Law No. 7317 of the Corporation of the City of Hamilton dated the 29th day of June, 1954.

c) The Treasurer and Commissioner of Finance of the City of Hamilton shall be responsible for the supervision and control of the cheque-signing machine. In

the absence of the Treasurer and Commissioner of Finance, the Director of Finance shall assume these responsibilities.

d) In the event of cheques having to be signed by hand, any two of the following shall be authorized to sign: The Mayor, or in his/her absence, the Acting Mayor and the Treasurer and Commissioner of Finance of the City of Hamilton, or in his/her absence, the Director of Finance of the City of Hamilton.

e) The numbers of all cheques hand-signed shall be reported immediately to the Board's bankers.

f) It shall be the responsibility of the Treasurer and Commissioner of Finance of the City of Hamilton, and in his/her absence, the Director of Finance, to receive all paid cheques or debit vouchers charged to any account of the Board and to execute, from time to time, the bank's form of receipt therefore and agreement as to the settlement, balance and verification of all books and accounts between the Board and the bank.

ARTICLE XVII

1. The Public Library Board shall appoint a Chief Librarian, who shall be its Chief Executive Officer and who shall be responsible, under the supervision of the Board, for the general conduct and management of the entire Hamilton Public Library System.

2. The Chief Librarian shall also act as Secretary of the Board and shall be bonded by city contract.

3. The Board shall appoint a Treasurer who shall be bonded by city contract.

4. In the absence of the Chief Librarian, the routine duties shall be assumed by the Head of Central, or in the absence of the Head of Central by the Head of Branches, or in the absence of the Head of Branches by the Head of Technical Services.

5. The Chief Librarian shall prepare and submit to the Board at each regular meeting a report for the month and year to date.

6. The Chief Librarian shall submit to the Board an annual report mirroring the progress and accomplishments of the year as well as pinpointing objectives unattained.

7. The Chief Librarian shall transmit to the Board copies of the annual report of the City Auditor.

ARTICLE XVIII

The Hamilton Public Library system shall be under the management, regulation and control of this Board, which is a corporation under the name of The Hamilton Public Library Board, (R.S.O. 1970, c. 381, s.3.).

ARTICLE XIX

1. These By-Laws are to be read, construed and interpreted in accordance with

the applicable provisions of the Public Libraries Act.

2. They may be amended at any regular meeting of the Board by a majority vote, provided that specific notice of motion of proposed amendments shall have been given at the previous regular meeting and stated in the call of the present regular meeting.

3. The By-Laws stated herein shall become effective _____.

ARTICLE XX

The Hamilton Public Library Board will consider any reasonable request from present or past Board members for remuneration of expenses (loss of pay and other out-of-pocket expenses incurred as a result of involvement in litigation connected with Board matters,) up to a maximum hourly rate currently paid to the Chief Librarian.

SCHEDULE A

HAMILTON PUBLIC LIBRARY BOARD

RULES & REGULATIONS

Further to the Hamilton Public Library Board By-Laws, Article XV, **Payment of Accounts,** subsection (a) - "The Chairman of the Hamilton Public Library Board, or in his/her absence, any member of the Board, or a named officer of the Board, shall sign and thereby authorize the payment of all invoices, accounts, advances or petty cash vouchers of the Board prior to submission for payment to the Treasury Department of the City of Hamilton".

The specification of signing authority in subsection (a) is stated for the purpose of defining primary responsibility and control. The named officer of the Board shall be the Chief Librarian.

A. TO ENSURE CONTROL:

the following documents will be drawn up to form the guidelines necessary to the delegation of signing authority.

1. Annual Budget

The final budget, as approved by the Library Board for the year, will set the guideline for expenditure. This expenditure will be monitored

quarterly by the Board. Any proposed deficit spending within the general accounts divisions must be approved by the Chief Librarian. The approval by the Board of the budget in its draft or final form(s) in itself does not constitute approval or authorization of all of the expenditures referred to therein. The Board requires that all unusual expenditures and all new programmes or policies be approved by the Board by specific reference to such items apart from the budget process.

Anticipated deficit spending of a total general account must be approved by the Board.

The purchase of equipment/furnishings, not originally listed in the budget submission, must be approved by the Chief Librarian.

2. Library Materials

The final dollar allocation to the library materials account will be reallocated by the Head of Central, Head of Branches and Head of Technical Services, to the appropriate branches, departments and subject areas. Such reallocation to be presented to the Chief Librarian for his/her approval.

3. Staff Wages and Benefits

A report as to the number of staff employed and their location and status will be approved by the Board each year. This report, the rates of pay and benefits as set out in the collective agreement and all wage and benefit settlements made by the Board with the non union staff, will provide the necessary authority for the payment of wages.

Any change(s) made to the staff complement shall be made by separate resolution of the Board following consideration by the Planning, Personnel & Public Relations Committee.

4. **Contracts for Services, etc.**

All contracts between the library and various companies for service will be signed by the Chief Librarian.

5. **Awarding of Contracts**

a) Orders From $1 to $1,000

Discretionary as to supplier; selected by Business Office.

b) Orders Over $1,000 and Up to $10,000

i) Three quotations obtained where possible;

ii) To be placed by Administrator of Finance & Properties.

c) Orders for Library Materials

To be placed by Acquisition Department under the authority of the Head of Technical Services.

d) Orders Over $10,000 and Up to $50,000 (whenever there is more than one known supplier)

Sealed tenders or quotations to be invited; to be opened at a certain time and place in the presence of the Administrator of Finance & Properties, the Chief Librarian and in his/her absence, one of Chairman of the Board or Chairman of the Administration & Finance Committee.

e) Orders Over $50,000

Advertised in local press. Sealed tenders or quotations to be

invited; to be opened at a certain time and place in the presence of the Administrator of Finance & Properties, the Chief Librarian and the Chairman of the Board or his nominee.

The Chairman of the Board or his nominee to be involved in the proceedings.

Emergencies: Emergency by-passing of any of (b), (c), (d) and (e) will be initiated by the Administrator of Finance & Properties, approved by the Chief Librarian and ratified at the next meeting of the Administration & Finance Committee.

Contracts:

Generally, any order over $50,000 will require a form of contract and those between $10,000 and $50,000 could have a contract, if deemed appropriate. The awarding of contracts will be according to the following factors:

i) Price;

ii) Ability to service equipment;

iii) Financial stability;

iv) Better Business Bureau recommendation;

v) Meeting specifications;

vi) Any pertinent factor which has a major bearing on the decision.

All of the above being substantially equal, then local business will be awarded the contract in question.

6. Disposal of Unwanted Furnishings or Equipment

Purpose:

To provide an acceptable method of disposal so that the Library system can avoid unnecessary accumulation of unwanted furnishings and operating equipment and to achieve a reasonable dollar return for these items wherever possible.

Scope:

To cover all library furnishings and equipment. It does not include any library materials.

Determination of Eligibility for Disposal:

The Library's senior administrative staff has the authority to determine when an item is ready for disposal when such item has a value of under $1,000. Items with a value of over $1,000 will be referred to the Board Administration & Finance Committee for decision.

A. Auction:

The use of the City auction allows for the best exposure to the 'market' on many items, in particular when disposing of automotive equipment. In this case when an item is of such a nature as to be best sold through the auction then the Business Office would arrange the delivery to the auction site and also establish a reserve bid on the items to be sold. If unsold it would fall under (C) below.

B. Trade Ins:

This is often the most favourable method of disposing of such items as old typewriters and adding machines, etc. Indirectly, the best price for

such a disposal method would be tied to the negotiations for replacement purchase which would itself be governed by the Library purchasing policy.

C. Other: Furnishing and Equipment

As in the purchasing policy, three (3) estimates would be sought on any items estimated to be worth over $1,000 and if appropriate, would be advertised in the press. In the case of specialized library equipment a contact would be made with each library in the regional library system. Member libraries would be permitted to make a purchase at the highest of the three (3) prices. If no prices are submitted then the Business Office will follow one of the following:

i) set a price and advertize;

ii) store items in preparation of next City auction;

iii) discard as in (D) below.

D Discard

After attempts to realize a return on items to be disposed the Business Office will be responsible for ordering the discarding of the item(s) in question. Wherever appropriate, scrap dealers will be used (e.g. old shelving).

B. **DELEGATION OF SIGNING AUTHORITY** (signatures authorized prior to submission to the Treasury Department for payment of accounts)

It is necessary for the purpose of efficiency, to delegate specific signing authority.

1. **Library Materials**

(a) All invoices for library materials purchased through Technical Services will be signed by the Head of Technical Services.

(b) From time to time, it may be necessary to purchase library materials at the vendor's location, e.g. paperbacks, antiquarian items, additional hardcover copies of reserved titles. It will be the responsibility of the Head of Technical Services to develop appropriate policies outlining the materials eligible for such purchase. The authorization of staff who may purchase will be controlled by the Head of Central and the Head of Branches.

(c) All invoices for all other library material purchased through the business office will be signed by the Administrator of Finance & Properties.

2. **Personnel Wages and Benefits**

All payroll and journal transactions will be signed by the Manager of Personnel & Labour Relations.

3. **Accounts Relevant to Library Expenditures, other than Library Materials or Wages and Benefits**

All purchase orders and invoices for items requisitioned through the business office will be signed by the Administrator of Finance & Properties. All purchases of equipment and furnishings will be authorized first by the appropriate division head.

4. **Budget Control**

All journal entries will be signed by the Administrator of Finance & Properties.

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